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SASHA SUCHITE

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

SASHA SUCHITE,  
Plaintiff,  
v.  
KOHL'S CORP.,  
Defendant.

) Case No.: 8:15-cv-01535-JLS-DFM  
) JOINT RULE 26(f) REPORT  
) Date: September 14, 2015  
) Time: 11:00 a.m.  
) Judge: Honorable Judge Staton  
) Location: Ronald Regan Federal  
) 411 West Fourth Street, Room 10A, Santa  
) Ana, CA 92701-4516  
)  
)  
)

Pursuant to Federal Rule of Civil Procedure (“FRCP”) 16 and 26(f), and Local Rule 26-1, Plaintiff, SASHA SUCHITE (“Plaintiff”), and Defendant, KOHL’S CORP., (“Defendant”), through their respective counsel, respectfully submit the following Joint Rule 26(f) Report.

1           **A. Synopsis:**

2           **a. Plaintiff:** Count I of Plaintiff's Complaint is based on the  
3           Telephone Consumer Protection Act 47 U.S.C. § 227 et seq..  
4           Count II of Plaintiff's Complaint is based on the Rosenthal Fair  
5           Debt Collection Practices Act, Cal. Civ. Code § 1788, *et seq.*  
6           ("RFDCPA"). Plaintiff alleges Defendant placed calls to  
7           Plaintiff's cell phone using an automatic telephone dialing  
8           system without Plaintiff's prior express consent seeking  
9           payment for a debt owed.

10           **b. Plaintiff alleges Defendant violated the following sections in  
11           the TCPA:**

12           (1) Defendant violated 47 U.S.C. § 227 et seq. by placing  
13           calls to Plaintiff's cell phone using an automatic  
14           telephone dialing system without Plaintiff's prior  
15           express consent.

16           **c. Plaintiff alleges Defendant violated the following sections in  
17           the RFDCPA:**

18           (1) Defendant violated §1788.17(d) of the RFDCPA by  
19           causing Plaintiff's telephone to ring repeatedly or  
20           continuously to annoy the person called.

21           (2) Defendant violated §1788.17(e) of the RFDCPA by  
22           communicating with Plaintiff with such frequency as to  
23           be unreasonable and to constitute harassment to Plaintiff.

24           (3) Defendant violated §1788.17 of the RFDCPA  
25           continuously failing to comply with the statutory

1 regulations contained within the FDCPA, 15 U.S.C. §  
2 1692 et seq.

3 a. Defendant violated § 1692d of the FDCPA by  
4 engaging in conduct the natural consequence of  
5 which is to harass, oppress, or abuse Plaintiff.  
6 b. Defendant violated § 1692d(6) by causing a  
7 telephone to ring repeatedly or continuous with  
8 the intent to annoy, harass, or abuse Plaintiff.

9 **d. Defendant denies Plaintiff's allegations:** Defendant denies all  
10 material allegations of the Complaint. Defendant disputes that  
11 it autodialed Plaintiff without his prior express consent, that it  
12 violated the TCPA, the RFDCPA, or that Plaintiff is entitled to  
13 any relief from Defendant.

14 **B. Subject Matter Jurisdiction:** Plaintiff asserts that jurisdiction arises  
15 pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1337 grants this court  
16 supplemental jurisdiction over the RFDCPA state claim.

17 **C. Legal Issues:** Whether Defendant's alleged conduct violated the TCPA and  
18 RFDCPA.

19 **D. Parties, evidence, etc.:**

20 **1. Parties:**

21 i. Plaintiff, SASHA SUCHITE  
22 ii. Defendant, KOHL'S CORP.

23 **2. Witnesses:**

24 i. Plaintiff, SASHA SUCHITE  
25 ii. Defendant, KOHL'S CORP.

iii. Defendant's Representative(s).

iv. Plaintiff's expert

v. Defendant's expert

### 3. Documents:

i. Defendant's collection notes.

ii. Call logs from Plaintiff's phone.

iii. Documents concerning Defendant's use of an ATDS.

iv. Credit application and contract with Kohl's Department Stores, Inc.

**E. Realistic Range of Damages:** The TCPA entitles Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and an award of \$1,500.00 for every willful violation pursuant to 47 U.S.C. § 227(b)(3). The RFDCPA entitles Plaintiff to a maximum of \$1,000.00 in statutory damages. Additionally, the RFDCPA provides for reasonable attorneys' fees and costs.

**F. Insurance:** Kohl's does not contend that there is insurance to cover this case.

#### **G. Proposed Amendments to Pleadings and Deadline for Amendments:**

The Parties do not anticipate filing motions to add other parties or claims, or to transfer venue.

**H. Complex Litigation:** The Parties do not believe that this case involves complex litigation and that the Manual for Complex Litigation need not be utilized

**I. Discovery Plan:** Discovery will need to be conducted regarding the following subjects: the terms of Plaintiff's credit application; whether

1 Plaintiff consented to receiving collection calls; any and all communications  
2 between Plaintiff and Defendant; any and all information pertaining to  
3 Plaintiff's allegations and alleged damages suffered; and any and all  
4 information pertaining to Defendant's Affirmative Defenses. The Parties  
5 further agree that discovery should not be conducted in phases or limited.  
6 The Parties anticipate propounding Interrogatories, Requests for Production,  
7 and Requests for Admission. Depending on the information disclosed,  
8 Plaintiff may depose Defendant's corporate designee containing knowledge  
9 of the facts alleged in Plaintiff's Complaint and the information contained in  
10 Defendant's responses to Plaintiff's discovery requests. The Parties also  
11 agree that no changes should be made in the timing, form, or requirement  
12 for disclosures under FRCP 26(a). Defendant will depose Plaintiff and  
13 anyone identified by Plaintiff with knowledge of his claims.

14 **J. Experts:** Plaintiff anticipates the use of an expert. The Parties agree  
15 pursuant to FRCP 26(a)(2) Expert Disclosures will be made 90 days before  
16 the trial date, and expert depositions will be completed 60 days before the  
17 trial date.

18 **K. Dispositive Motions:** The parties intend to file dispositive motions.

19 **L. Settlement:** The Parties have engaged in settlement negotiations and will  
20 continue to do so in a good faith manner. The Parties elect Settlement  
21 Procedure No. 2 from Local Rule 16-15.4, to proceed with mediation before  
22 an attorney from the Court's Attorney Settlement Officer Panel.

23 **M. Trial Estimate:** Defendant requests a jury. The Parties anticipate that the  
24 trial in this case will last 1-2 days.

25 **N. Trial Counsel:** At this time, the Parties expect that trial counsel will be

1                   Ryan Lee for Plaintiff and Catherine Lee for Defendant.

2                   **O. Independent Expert or Master:** The Parties do not believe this case  
3                   warrants appointing a master pursuant to Fed. R. Civ. P. 53 or an  
4                   independent scientific expert.

5                   **P. Bifurcation:** The Parties do not intend to sever or bifurcate this case.

6                   **Q. Proposed Schedule:** Attached as Exhibit A.

7  
8  
9                   RESPECTFULLY SUBMITTED,

10  
11                  Dated: January 22, 2016        By:/s/ Ryan Lee

12                  Ryan Lee  
13                  Attorney for Plaintiffs

14  
15                  By:/s/ Catherine D. Lee

16  
17                  Catherine D. Lee  
18                  Attorney for Defendant

## **EXHIBIT A**

## **PROPOSED SCHEDULE OF PRETRIAL AND TRIAL DATES**

CASE NAME:

CASE NO:

Matter	Weeks Before Trial	Plaintiff(s) Request	Defendant(s) Request
Last Day to File Motions to Add Parties and Amend Pleadings	Scheduling Conference Date plus sixty (60) days		4/12/16
Fact Discovery Cut-Off	21		8/21/16
Last Day to Serve Initial Expert Reports	19		9/13/16
Last Day to File Motions (Except <i>Daubert</i> and all other Motions in Limine)	19		9/13/16
Last Day to Serve Rebuttal Expert Reports	15		10/11/16
Last Day to Conduct Settlement Proceedings	12		11/1/16
Expert Discovery Cut-Off	11		11/8/16
Last Day to File <i>Daubert</i> Motions	Expert Discovery Cut-Off Date plus seven (7) days		11/15/16
Last Day to File Motions in Limine (excluding <i>Daubert</i> Motions)	Final Pre-Trial Conference Date less twenty-eight (28) days		12/2/16

1	Final Pre-Trial Conference <b>(Friday at 1:30 p.m.)</b>	3		12/30/16
3	Last Day to File Proposed Finding of Facts and Conclusions of Law (if court trial)	1		1/17/17
6	Exhibits Conference <b>(Friday at 3:30 p.m.)</b>	Friday before trial		1/20/17
8	Trial: Jury or Court <b>(Tuesday at 9:00 a.m.)</b>			1/24/17